

OFFICIAL MINUTES MAY 25, 2016 7:00PM
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING

MEMBERS	PRESENT	ABSENT	EXCUSED
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Greg Larson	X		
Councilor Matt Schwartz	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Planning Technician Michelle Spain.

I. CALL TO ORDER 7:03 pm

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. PUBLIC HEARING AND POSSIBLE ACTION – CONDITIONAL USE APPLICATION- CU 16-3, SUBMITTED BY EVAN AND COLLEEN STRAUSS, FOR THE CONSTRUCTION OF MULTI-FAMILY RESIDENTIAL (3 UNITS) IN THE COMMERCIAL ZONE DISTRICT.

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:04 p.m.

Proof of Publication. Proof of publication was entered into the record.

Review of Process. Planner Ruggera commenced the application review.

The City's *Land Development Code (LDC)*, Section 2.6 states that a multi-family residential use requires a Conditional Use permit to exist in the Commercial (C) district zone. Conditional Uses applications are reviewed by the Planning and Zoning Commission after 15 days' public notice. The Commission may approve, deny or remand the application back to the applicant. The applicant is Evan and Collen Strauss who are requesting a Conditional Use for the construction of three dwelling units in the Commercial Zoned District. The legal description of the property is Parcel A, Boundary Line Adjustment, Shelafo Property, City and County of Gunnison, Colorado. The applicants are looking at building a duplex with a garage apartment, or doing a triplex. Density requirements were reviewed and a possible text amendment was discussed.

Applicant Review.

Evan and Colleen Strauss introduced themselves. The Strauss's indicated that their intention was to build three residential units on this parcel that is located near WSCU. The area is mostly residential and this request would fit in the neighborhood. No further questions from the Commission.

Public Input: None

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Staff Presentation: Planner Ruggera discussed the existing density and asked if Commission wanted this changed. Various scenarios were discussed. Commissioner Larson brought up the incentives section of the LDC as well as Commissioner Niemeyer. Director Westbay responded that it was not the zoning but the use of the parcel as it related to affordable housing. These incentives could be for any zoning but the incentives would also have a deed restriction. One of the three units would have to conform to the requirements set for deed restriction. The applicant asked for clarification of this. If you meet the standards than a plan can be made for further density. 20% increase and avoid the text amendment process. The applicant was not receptive to this for this request. Commissioner Ferchau indicated that we should look at rounding up at .50. He liked the rounding up scenario. Discussion made on the threshold for rounding up. Mike Cole's property was discussed from the last meeting. Mr. Strauss indicated that the property line had been changed in the past on this parcel. Commissioner Tocke also asked questions on the units per acre for RMU and R-2. Director Westbay responded that they followed the prior code. Director Westbay indicated that parking and landscaping really dictate the density provisions. Director Westbay agreed on the text amendment for rounding up was the easiest way to change this. Planner Ruggera proposed changes to condition number two. Modify this by removing all after Table 2-5. Discussion on building on this parcel. Commissioner Ferchau asked if this would set back the construction on this parcel. Mr. Strauss indicated it would now be spring. Director Westbay responded that mid-July may be the earliest to take this to Council. Mr. Strauss indicated that he will get the design stage going with this approval. Mr. Strauss will see if concrete could be done this October. Councilman Schwartz wanted this to move faster for the applicant but timing with notices must be met. Commissioner Ferchau liked the concept of more units available.

Commission Discussion. No further comments noted.

Close Public Hearing. Chair Larson closed the public hearing at 7:21 p.m.

ACTION

During the Planning and Zoning Commission meeting of May 25, 2016, Commissioner Beda moved, Commissioner Ferchau seconded and the Planning and Zoning Commission voted to APPROVE Conditional Use application, CU 16-3 submitted by Evan and Colleen Strauss for the construction of multi-family dwelling units (3) on Parcel A, Boundary Line Adjustment, Shelafo Property, with the following findings of fact and conditions:

Findings of Fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this application is for a Conditional Use to allow the applicant to construct multi-family dwelling units (three) in the Commercial zone district.

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3. The Planning and Zoning Commission finds that multi-family dwellings at this location is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that the site provides ample room to comply with the standards of the *LDC* and final review of the site will be conducted during the building permit process.
5. The Planning and Zoning Commission finds that the proposed residential use will not have a significant effect on future City sales tax revenues.
6. The Planning and Zoning Commission finds the *LDC* currently allows a maximum of two units on this site and an additional unit is subject to approval of a Text Amendment to the *LDC*.
7. The Planning and Zoning Commission finds that multi-family dwelling units will not affect the health, safety or welfare of the community.
8. The Planning and Zoning Commission finds that the review standards for Conditional Uses have been or will be met based on the following condition:

Conditions:

1. The applicant shall apply for a building permit prior to Conditional Use expiration of May 25, 2019.
2. A Text Amendment to the *LDC*, to allow three units on this site, is subject to City Council approval. This Conditional Use approves two units and a third unit is contingent upon approval of a Text Amendment to the *LDC*.

Roll Call Yes: Larson, Niemeyer, Tocke, Schwartz, Ferchau, Beda

Roll Call No:

Abstain:

Absent:

Motion: Passed

IV. SCHEDULED CITIZEN- JASON MULLINS

Jason Mullins introduced himself. He and his wife Stephanie have the coffee shop on the corner rounding Tomichi named Gunnison Coffee Company. They currently lease the location behind the Metamorphosis Salon. As of recently the owner, Priscilla Swanson would like to sell her business and possibly some of the total parcel. Mr. & Mrs. Mullins have owned Gunnison Coffee Company for eight years and have a great relationship with Ms. Swanson. They also have a CDOT lease on this parcel. Because of the Commercial zoning if you subdivide you will need 8000 sq ft. That would leave 7846 sq ft left for this odd shaped parcel. Mr. Mullins would like a variance or amendment to the current zoning code. The various configurations for this parcel were discussed. Common Interest Community had been looked at, as well as other options. Director Westbay responded 8000 sq ft lots just fit well. This lot is a very oddly shaped parcel. This may be moved through the Zoning Board of Appeals. Commissioner Larson indicated that he did not feel the

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need to change the lot size for all lots. The odd size could be changed with a variance. Councilman Niemeyer stated that there is just not much that can be done with this parcel. The square footage of the current building was discussed. Director Westbay would like to confer with legal counsel on this request. Commissioner Larson indicated that a variance would work here. A license agreement was granted years ago for this coffee shop. Commissioner Ferchau asked about the density issues. Mr. Mullins had been notified that this parcel may go up for sale on June 1st. He is working with the owner on all of the ways to make this happen. Timing for public notice, a text amendment, were discussed. Commissioner Niemeyer stated the existing use makes sense. Director Westbay would like to review the code before setting this meeting. Mr. Mullins and Director Westbay will get together and review this request. Mr. Mullins thanked the Commission for their time.

V. Minutes of the May 11, 2016 Meeting

Commissioner Tocke moved, and Commissioner Niemeyer seconded, and the Commission voted to approve the minutes of the May 11, 2016 meeting with the following corrections. Councilman Schwartz requested that the dates in the last meeting and the actual dates for City Manager finalist interviews be changed to June 13, 14, 15. Amended.

Roll Call Yes: Beda, Larson, Schwartz, Niemeyer, Tocke

Roll Call No:

Abstain: Ferchau. Did not attend this meeting.

Absent:

Motion: Passed by Majority

VI. COUNCIL UPDATE

Councilman Schwartz commenced his review.

- Work session on May 17th. Finalized the FLAP Grant Application.
- Work session with Darren Brady, WSCU intern. Presentation of fixed assets and governmental accounting.
- Gunnison Art Center update Sundays at 6pm, Multi-Day event permit.
- Street improvement projects bids were reviewed.
- City Court reorganization. Interim City Manager voiced concerns on how the City Clerk was appointed. Two councilmen need to serve as liaisons to the judge.
- Interviews and then the appointment of new Planning and Zoning member.
- Draft review of the Parks & Recreation Advisory Commission. This was then added to the agenda for the next meeting.
- The marijuana shops and volume were discussed. The issue will be readdressed in 3 and 6 month intervals. Commissioner Beda indicated that at the initial review of the shops it was stated that we should not put a limit on the numbers. Factors on this market were discussed.
- 500 Colorado Wildfire & Incident command folks will be here for 6 days in June. They have applied for a challenge grant for \$1,000.00 and this was granted.
- Liquor licensing hearing for Double Shot Cyclery and this was approved.

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- Erin Carlson appointed City Challenge Grant Committee.
- Lilly Westbay gave a presentation and reviewed the success of Project Graduation.
- Approved the street contracts not to exceed \$655,000.00.
- Set two public hearings for two Marijuana Shops.
- Accepted Councilman Stu Ferguson's resignation.
- Resolution No. 4, Series 2016. Creating Parks & Recreation Advisory Committee.
- Canceled June 14th Meeting
- Resolution No. 6, Series 2016. Setting Use of Public Rights-of-Way for Private Business Application Fee of \$50.00.
- Ordinance No. 4, Series 2016. Use of Public Rights-of-Way for Private Purposes, passed 2nd reading.
- Pet license passed
- Ordinance No. 6. City Purchasing Policy passed.
- Council will meet this Friday morning at 7:30am for the decision of the finalists for City Manager position.

June schedule. Reviewed for out of office. June 15th & 22nd will now be set for the next meetings. Planner Ruggera will be gone from June 8th – 18th. Director Westbay will also be out of the office.

Commissioner Ferchau will not be here on June 22nd. Councilman Schwartz will not attend the June 22nd meeting either.

VII. COMMISSIONER COMMENTS

None

VIII. PLANNING STAFF UPDATE

Director Westbay commenced his review.

Lorin Crandall and Christopher Enderson, with the University of Colorado-Denver, were introduced and gave their presentation on Lazy K Project.

IX. ADJOURN 8:30 p.m.

Attest:

Greg Larson, Chair

Michelle Spain, Secretary